**HIGH COURT OF UTTARANCHAL AT NAINITAL**
**ORIGINAL JURISDICTION**
Dated Nainital the 6th December, 2006
**First Bail Application No. 917 of 2006**

Order on the bail application of the accused.

**CRIMINAL SIDE**

Basant Kumar @ Thapa,
S/o Kallu Kumar,
R/o Gadarpur, P.S. Rudrapur,
District-Udham Singh Nagar. .....Applicant (In Jail)

**Versus**

State of Uttaranchal ..... Opposite Party

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In Case Crime No. 2757 of 2006
U/s 363, 366, 376 of I.P.C.
P.S. Rudrapur,
District-Udham Singh Nagar.

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**Hon'ble Rajesh Tandon, J.**

The applicant-Basant Kumar, who is in Jail in connection with Crime No. 2757 of 2006 U/s 363, 366, 376 I.P.C., P.S. Rudrapur, District-Udham Singh Nagar has applied for bail.

Heard Sri H.S. Rawal, counsel for the applicant and A.G.A. for the State.

A perusal of the FIR shows that the applicant-accused has been named in the F.I.R. in connection with the Crime No. 2757 of 2006 under Section 363, 366 of I.P.C. for abducting a minor girl. In the statement made under Section 164 of the Code of Criminal Procedure, it has been specifically stated by the prosecutrix, who is 13 years of age that the applicant-accused has committed rape with her against her will. Thereafter the case has been registered under Sections 363, 366 and 376 of I.P.C.

Taking into consideration the aforesaid facts, it does not appear to be a fit case for Bail.

Bail application is rejected.

**(Rajesh Tandon, J.)**

Dated 06.12.2006
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